

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 374 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 offices and administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-20.5-1-11 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) Except as**
- 8 **provided in subsection (b),** "property" means real property or an
- 9 interest in real property, including the following:
- 10 (1) Any ownership interest in real property.
- 11 (2) A leasehold.
- 12 (3) A right-of-way.
- 13 (4) An easement, including a utility easement.
- 14 The term does not include personal property or an interest in personal
- 15 property.
- 16 **(b) For purposes of IC 4-20.5-22, "property" means any**
- 17 **ownership interest in real property.**
- 18 SECTION 2. IC 4-20.5-22 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2009]:
- 21 **Chapter 22. Planting Grasses and Other Plants for Energy**
- 22 **Production**
- 23 **Sec. 1. This chapter does not apply to a lease under IC 8-23-24.5.**
- 24 **Sec. 2. The intent of this chapter is to encourage the use of**
- 25 **property owned by the state to promote the growth and harvesting**
- 26 **of vegetation to be used as fuels and other energy products.**
- 27 **Sec. 3. As used in this chapter, "agency " has the meaning set**
- 28 **forth in IC 4-20.5-1-3. The term includes a state institution.**
- 29 **Sec. 4. As used in this chapter, "vegetation" refers to grasses or**
- 30 **other plants that are suitable for processing into fuels or other**
- 31 **energy products. The term does not include grasses or other plants**

that may be used to feed livestock.

**Sec. 5. To the extent permitted by federal law and when consistent with public safety, an agency may enter into leases with appropriate persons for the persons to plant, maintain, and harvest vegetation on state property owned or maintained by the agency for use in production of energy.**

**Sec. 6. A lease under this chapter must provide for the following:**

**(1) The lessee is responsible for planting, maintaining, and harvesting the vegetation at the lessee's cost.**

**(2) The lessee becomes the owner of the vegetation when harvested.**

**(3) The harvested vegetation must be used for the production of fuels or other energy products.**

**(4) The lease must include limitations on the height of any vegetation that is grown.**

**Sec. 7. A lease under this chapter may provide for the following:**

**(1) Any term of the lease that the agency considers best to implement the intent of this chapter, but not for more than four (4) years.**

**(2) For the lease of parcels of sizes that the agency considers the best to implement the intent of this chapter.**

**(3) Any other provisions that the agency considers useful to implement the intent of this chapter.**

**Sec. 8. The agency shall award a lease under this chapter to the responsive and responsible bidder who submits the highest bid for the particular lease.**

**SECTION 3. IC 5-22-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body that is a state agency.**

**(b) This chapter does not apply to the following:**

**(1) The sale of timber by the department of natural resources under IC 14-23-4.**

**(2) The satisfaction of a lien or judgment by a state agency under court proceedings.**

**(3) The disposition of unclaimed property under IC 32-34-1.**

**(4) The sale or harvesting of vegetation (as defined in IC 8-23-24.5-3) under IC 8-23-24.5.**

**(5) The sale or harvesting of vegetation (as defined in**

- 1 **IC 4-20.5-22-4) under IC 4-20.5-22."**
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 374 as printed February 17, 2009.)

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Senator STEELE